

# Daytona State College Resource Guide for Survivors of Sexual Misconduct and Interpersonal Violence



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**DAYTONA**  
**STATE COLLEGE**

[DaytonaState.edu](http://DaytonaState.edu)

Daytona State College is committed to providing a safe, positive environment that is free from discrimination and harassment. The College does not tolerate any form of sexual misconduct or interpersonal violence, which include sexual and gender-based harassment, sexual assault, sexual exploitation, domestic violence, dating violence and stalking.

The Clery Act addresses sexual assault, domestic violence, dating violence and stalking at colleges and universities with regard to disclosure of campus security policies and crime statistics, education and awareness, protective measures and assistance for victims, and disciplinary procedures.

For more information on the Clery Act please view our Annual Security and Fire Safety Report at [daytonastate.edu/safety-and-security/files/annual-security-report.pdf](http://daytonastate.edu/safety-and-security/files/annual-security-report.pdf)

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX requires colleges to respond promptly and effectively to complaints of all kinds of sex discrimination, sexual misconduct, including sexual harassment and sexual violence. For more information on Title IX, please visit [daytonastate.edu/equity-and-inclusion/titleix.html](http://daytonastate.edu/equity-and-inclusion/titleix.html)

## Reporting

Daytona State strongly encourages all members of the College community to report any incident of sexual misconduct or interpersonal violence. Students and employees who report to the College have rights to assistance, protective measures, and reasonable accommodations in their academic, work, living, and transportation situations. The College will treat victims/survivors with dignity, respect and understanding of the trauma that can be involved.

Students and employees should report sexual misconduct or interpersonal violence to the following:

Campus Safety (All campuses 24/7/365) (386) 506-4444

Office Locations:

- Daytona Beach Campus  
Bailey Hall (Bldg. 540), Rm. 116
- Advanced Technology College  
Bldg. 1, Rm. 106
- News-Journal Center  
Bldg. 1, Rm. 102
- DeLand Campus  
Student Services Hall (Bldg. 7), Rm. 118
- New Smyrna Beach/Edgewater Campus  
Bldg. 1, Rm. 132
- Deltona Campus  
Fathi Hall (Bldg. 1), Rm. 113
- Flagler/Palm Coast Campus  
Student Center (Bldg. 3), Rm. 114A

Campus Safety can provide immediate safety and assist you in contacting law enforcement and emergency medical services. If you choose not to make a report to law enforcement, you will still receive assistance from the College. Please note that you may make a report to law enforcement and choose whether you wish to pursue prosecution at another time.

## **Title IX Coordinators**

### **For Students**

- Cerese Ramos, Daytona Beach Campus, Wetherell Center (Bldg. 100), Office 210  
(386) 506-3840 [cerese.ramos@daytonastate.edu](mailto:cerese.ramos@daytonastate.edu)

### **For Employees**

- Tanika Clemons, Daytona Beach Campus, Wetherell Center (Bldg. 100), Office 303K  
(386) 506-4431 [tanika.clemons@daytonastate.edu](mailto:tanika.clemons@daytonastate.edu)

## **Survivors' Rights**

Students and employees who report sexual misconduct or interpersonal violence to the College have rights under the Clery Act and Title IX, including the right to be assisted by the College in the following making a report to law enforcement, (if they choose to do so), locating resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid assistance both within the College and in the community, and to be provided reasonable accommodations in their academic, working, transportation, and living situations. Survivors of sexual misconduct and interpersonal violence have these rights regardless of whether they choose to make a report with law enforcement or whether the incident occurred on or off campus.

Assistance offered by the Daytona State College includes

- Contacting emergency medical responders
- Assistance in making a police report
- Locating support services within the College and in the community such as
  - Crisis resources, such as emergency shelters and crisis hotlines
  - Health, mental health, counseling, and victim advocacy services
  - Legal assistance including obtaining injunctions for protection
  - Visa and immigration assistance
  - Student financial aid assistance
- Providing reasonable accommodations in academic, working, transportation and living situations.
- Protective measures, (when applicable), including
  - Changes to academic, working, transportation, and living situations
  - Safety escorts on campus
  - Campus restrictions, no-contact orders and police trespass warnings
  - Compliance with injunctions for protection

Students also have rights associated with the disciplinary process, including rights to a fair and impartial process conducted by trained officials.

More information is available in our Annual Security Report and Campus Safety Guide at [daytonastate.edu/safety-and-security](http://daytonastate.edu/safety-and-security)

**The following Daytona State College policies and information address sexual misconduct and interpersonal violence:**

- 3.11 Harassment Prohibition
- 3.11(a) Anti-Harassment
- 3.11(b) Student Harassment-Discrimination-Violation of Rights
- 3.14 Title IX Compliance
- 7.01 Student Code of Conduct
- 7.01(a) Student Code of Conduct
- Student Handbook

## Definitions

**Sexual Assault** – includes any sexual act directed forcibly against another person and any sexual act, either forcible or non-forcible, directed against a person who is not capable of giving consent. Sexual assault includes

- forcible rape
- forcible sodomy
- sexual assault with an object
- intentional touching of another person's intimate body parts, (clothed or unclothed), without consent
- forcibly causing a person to have contact with the intimate body parts of another person
- incest (sexual intercourse between persons who are related)
- statutory rape (sexual intercourse between an adult and a person who is under the statutory age of consent).

Title XLVI, Chapters 784 and 794 of the Florida Statutes include the State of Florida definitions for Florida pertaining to Sexual Assault.

**Consent** is a knowing and voluntary affirmative decision by each participant to engage mutually agreed upon sexual activity.

- Consent is active, not passive. It requires clearly communicated, mutually understandable words or actions which convey an unambiguous willingness to engage in sexual activity.
- An affirmative statement or action doesn't constitute consent if the person giving it is incapacitated, has been threatened or coerced, or if their age or mental capacity doesn't allow them the ability to give consent.
- Consent can't be inferred from silence, passivity, or a lack of resistance. No one has an obligation to verbally or physically resist unwelcome sexual contact.
- Consent can be withdrawn at any time during sexual activity.
- Consent to one form of sexual contact doesn't constitute consent to any other form of sexual contact.
- Consent to sexual activity with one person doesn't constitute consent to sexual activity with any other person.
- Consent to sexual activity on one occasion is not consent to sexual activity on another occasion.

The State of Florida defines consent within statute 794.011

## Definitions (continued)

**Domestic Violence** - A felony or misdemeanor crime of violence committed —

- By a current or former spouse or intimate partner of the victim
- By a person with whom the victim shares a child in common
- By a person who is living with or has lived with the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws

The State of Florida defines domestic violence within Florida Statutes 741.28 and 784.041.

**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The determination of whether the relationship constitutes dating violence is based on the reporting party's statement, the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

Domestic and dating violence usually involve a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. This is usually a pattern of escalating violence and abuse over time.

Domestic and dating violence might involve physical, emotional and sexual abuse, and economic, or psychological actions or threats of actions to manipulate, intimidate, terrorize, and isolate. It often involves the use of technology, such as smartphones, the internet, or social media.

The State of Florida defines dating violence within Florida Statute 784.046.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition, *course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

The State of Florida defines stalking within Florida Statute 784.048.

## **FLORIDA STATUTES CONCERNING SEXUAL MISCONDUCT**

The Florida Statutes, including statutes concerning sexual assault, consent, domestic violence, and dating violence can be found online at <http://www.leg.state.fl.us/statutes>.

# College Resources

## **Campus Safety 24-hour Dispatch –**

**(386) 506-4444**

(In case of power or network outage call (386) 258-7374)

## **Title IX Coordinators**

### **For Students**

- (Students) - Cerese Ramos, Daytona Beach Campus, Wetherell Center (Bldg. 100), Office 210C, (386) 506-3840, [cerese.ramos@daytonastate.edu](mailto:cerese.ramos@daytonastate.edu)

### **For Employees**

- Tanika Clemons, Daytona Beach Campus, Wetherell Center (Bldg. 100), Office 303K (386) 506-4431, [tanika.clemons@daytonastate.edu](mailto:tanika.clemons@daytonastate.edu)

## **Counseling and Accessibility Services**

(386) 506-3038

[daytonastate.edu/student-service-departments/counseling-accessibility](http://daytonastate.edu/student-service-departments/counseling-accessibility)

## **Student Life**

Shakyr Carson, Residence Life Coordinator

(386) 506-3486

[Shakyr.Carson@daytonastate.edu](mailto:Shakyr.Carson@daytonastate.edu)

Elijah Houser, Student Life Director

(386) 506-4417

[Elijah.Houser@daytonastate.edu](mailto:Elijah.Houser@daytonastate.edu)

## **Falcon HOPE Center**

(386) 506-3068

[daytonastate.edu/child-care-and-other-support/](http://daytonastate.edu/child-care-and-other-support/)

## **Veterans Services**

Wetherell Center (Building 100), Room 205

(386) 506-3956

[Veterans@DaytonaState.edu](mailto:Veterans@DaytonaState.edu)

[daytonastate.edu/veterans-services](http://daytonastate.edu/veterans-services)

## To Request Protective Measures, Changes to Academic, Living, Transportation and Working Situations, and Financial Aid Assistance

### **For Students**

#### **Office of Student Development - Judicial Affairs**

(386) 506-4510

[JudicialAffairs@DaytonaState.edu](mailto:JudicialAffairs@DaytonaState.edu)

(more information) [daytonastate.edu/student-service-department](http://daytonastate.edu/student-service-department)

### **Veterans Services**

Wetherell Center (Building 100), Room 205

(386) 506-3956

[Veterans@DaytonaState.edu](mailto:Veterans@DaytonaState.edu)

[daytonastate.edu/veterans-services](http://daytonastate.edu/veterans-services)

### **For Employees**

#### **Human Resources Department**

386-506-4505

[daytonastate.edu/faculty-and-staff/human-resources](http://daytonastate.edu/faculty-and-staff/human-resources)

## Community Resources

### **Victim's Services - State Attorney, 7th Circuit**

Volusia: (386) 239-7720

Flagler: (386) 313-4300

[sao7.com/victim-services](http://sao7.com/victim-services)

### **Volusia Rape Crisis Center -Sexual Assault Helpline - (800) 503-7621**

[volusiarapecrisiscenter.org](http://volusiarapecrisiscenter.org)

**Beacon Center (Volusia County)** - emergency shelter, advocacy, support groups, information and referral services, case management, court accompaniment, safety planning and other needed services to support survivors - (386) 255-2102

[mybeaconcenter.com](http://mybeaconcenter.com)

### **Flagler County - Family Life Center - (386) 437-3505**

[familylifecenterflagler.org](http://familylifecenterflagler.org)

### **Stewart-Marchman ACT Behavioral Healthcare**

24 Hour Hotline - (800) 539-4228

[smabehavioral.org](http://smabehavioral.org)

## **Local Non-Emergency Police/Sheriffs Numbers**

### **Daytona Beach Police Department**

Main - (386) 671-5100

Victim Advocate - (386) 671-5235

[codb.us/904/Victim-Advocate](http://codb.us/904/Victim-Advocate)

### **Volusia County Sheriff's Office**

Main Numbers

386-943-VC SO (8276) - West Volusia

386-239-VC SO (8276) - Daytona Beach

386-409-VC SO (8276) - New Smyrna Beach

407-323-0151 - Southwest Volusia

Investigative Services/Victim Advocate Program

386-736-5979 - West Volusia

386-254-1537 - Daytona Beach

386-423-3391 - New Smyrna Beach

[volusiasheriff.org/services/victim-assistance.stml](http://volusiasheriff.org/services/victim-assistance.stml)

### **Flagler County Sheriff's Office**

Main Office - 386-437-4116

Victim Services

386-586-4847

386-586-4848

[flaglersheriff.com/divisions/victims-services](http://flaglersheriff.com/divisions/victims-services)

[flaglersheriff.com/domestic-violence-help](http://flaglersheriff.com/domestic-violence-help)

### **Edgewater Police Department**

386-424-2000 Option 3

Victim Services

(386)424-2400, option 1, extension 2156

[cityofedgewater.org/police/page/victim-services](http://cityofedgewater.org/police/page/victim-services)

### **New Smyrna Beach Police Department**

386-424-2000

Victim Advocates

386-424-2269

386-424-2232

[cityofnsb.com/745/Victim-Advocate-Program](http://cityofnsb.com/745/Victim-Advocate-Program)



## State and National Resources

### **Florida Council Against Sexual Violence**

Statewide Helpline – (888) 956-7273

[fcasv.org](http://fcasv.org)

### **Florida Department of Children and Families**

#### **Office of Domestic Violence**

Domestic Violence Hotline (800) 500-1119

[myflfamilies.com/service-programs/domestic-violence](http://myflfamilies.com/service-programs/domestic-violence)

Report abuse, neglect, or abandonment of a child or vulnerable adult

Florida Abuse Hotline - (800) 96-ABUSE (22873), TTY (800) 453-5145

<https://www.myflfamilies.com/services/abuse/abuse-hotline>

### **Florida Office of the Attorney General**

[myfloridalegal.com](http://myfloridalegal.com)

Division of Victim Services – (800) 226-6667

### **Stalking Prevention Awareness and Resource Center**

[stalkingawareness.org](http://stalkingawareness.org)

Connect to resources: (855)-4VICTIM (855) 484-2846

### **National Sexual Assault Hotline - (800) 656-HOPE (4673)**

[rainn.org/about-national-sexual-assault-telephone-hotline](http://rainn.org/about-national-sexual-assault-telephone-hotline)

(Live chat available online)

### **National Domestic Violence Hotline - (800) 799-SAFE (7233)**

[thehotline.org](http://thehotline.org) (Live chat available online)

## Legal Assistance and Obtaining Injunctions for Protection

### **Victim's Services - State Attorney, 7th Circuit**

Volusia: (386) 239-7720

Flagler: (386) 313-4300

[sao7.com/victim-services](http://sao7.com/victim-services)

### **Clerk of Circuit Court Volusia County**

[clerk.org/family-law.aspx](http://clerk.org/family-law.aspx)

Business Hours - (386) 736-5915

After hours call domestic abuse hotline at – (800) 500-1119

### **Flagler County Clerk of the Circuit Court**

386-313-4491

[flaglerclerk.com/courts/family-court/domestic-violence](http://flaglerclerk.com/courts/family-court/domestic-violence)

### **Beacon Center (Volusia County) - (386) 255-2102**

[mybeaconcenter.com](http://mybeaconcenter.com)

### **Flagler County - Family Life Center - (386) 437-3505**

[familylifecenterflagler.org](http://familylifecenterflagler.org)

### **Florida Office of the Attorney General**

[myfloridalegal.com](http://myfloridalegal.com)

Division of Victim Services – (800) 226-6667

## Sexual Assault – Immediate Steps If You Are a Victim

**IF YOU OR SOMEONE YOU KNOW IS IN IMMEDIATE DANGER, CALL 911.**

- ***Get to a safe place***

If you or someone you know is in danger, you should call 911 immediately. If on campus, contact Campus Safety after calling 911. Stay on the phone as long as you can until help arrives. Remember that the police will help you whether or not you choose to prosecute the assailant. Call a trusted friend or family member for support and/or the victim-assistance services offered by community or law enforcement agencies.

- ***Get medical attention***

A medical examination is to check for physical injury, the presence of sexually transmitted disease, or pregnancy as a result of the assault. Forensic evidence can be collected during a medical examination, which will aid in the police investigation and legal proceedings; however, if a victim chooses not to have forensic evidence collected, health-care providers will still treat injuries and address concerns such as pregnancy and sexually transmitted diseases.

- ***Preserve evidence***

Avoid bathing, douching, smoking, changing your clothing, cleaning the bed/linen/area where the assault occurred, or altering the crime scene.

Some of these actions may be the first thing you want to do, but you may be destroying evidence that could aid in prosecuting the assailant and obtaining a protection order.

In Florida, evidence may be collected even if you choose not to make a report to law enforcement.

Save and document all communication with the assailant and/or related to the assault such as texts, social media messages and photos.

# Intimate Partner Violence

## Safety While Living in a Violent Home / Preparing to Leave

- Tell a trusted friend about the violence and have them call the police when violence erupts.
- Establish a code word for your children, trusted friends and family to call for help when you use your code word.
- When an argument erupts, move to a safer room – kitchens are not safe!
- Open a savings account in your own name.
- Leave money, extra keys, copies of important papers and extra clothes with someone you trust, so you can leave quickly. Do not leave these items in your car.
- Keep the number to your community domestic violence hotline, or if unsafe to do so, memorize the number.
- Know the location of a safe place you could go, such as a domestic violence shelter or a trusted friend not known to the abuser.
- Plan a safe place to leave pets. [www.hushpuppyhaven.org](http://www.hushpuppyhaven.org)
- Review your safety plan as often as possible in order to plan the safest way to leave.
- Obtain an Injunction for Protection

## Things to Have Ready In Case You Need to Flee

- Birth certificates
- Social Security cards
- Marriage license
- Insurance information and forms
- Driver's license or state I.D.
- Medications and prescriptions
- Lease/rental agreements, house deed, mortgage papers
- Car title and/or registration
- Bank account number, credit and ATM cards, savings passbook
- School and health records
- Medical records for you (and children)
- Clothing for you (and children)
- Keys, such as house, car, safety deposit box, storage units
- Comfort items for you (and toys for children)
- Hearing aids, glasses, dentures, any needed medical equipment
- Jewelry
- Welfare and/or immigration documents
- Phone numbers and addresses for family and friends
- Divorce papers or other court documents, such as custody papers or Injunction for Protection (IFP)

## **Safety When Living Alone In Your Home:**

- Change the locks on doors and windows.
- Install security mechanisms, such as window locks, better lighting, smoke detectors, fire extinguishers, cameras.
- In rural areas where only the mailbox may be visible from the street, cover the box with brightly colored paper or paint so that police can more easily locate the home.
- Obtain an Injunction for Protection and keep it with you at all times. Even if you have left the state where the injunction was originally granted, the unexpired injunction is valid in any state in the country.
- Call the police if your abuser violates the Injunction for Protection order.
- Inform neighbors and your landlord that the abuser no longer lives with you and that they should call the police if they see him near your home.

## **Safety At Your Job and In Public:**

- Decide who at work you will tell. This should include security personnel. Provide a photo of your abuser to be used for identification. If you have an Injunction for Protection, you may want to make sure that your employer and/or security at your job has a copy.
- Arrange to have someone screen your phone calls if possible.
- When you leave work, have someone escort you to your car. Use different routes to go home from work. Also vary the times, and use different routes to go places you visit on a regular basis, such as church, the grocery store, school, etc.

## **Safety When Children Are Involved**

- If you have children, rehearse an escape route and a safe place for the children to go if there is an emergency (if violence is occurring in the home, if there's a fire, etc.).
- Teach the children how to call the police or a family member if they are taken by the abuser.
- Talk to schools and childcare providers about who has permission to pick up the children, and develop other special provisions to protect the child. If you have an Injunction for Protection that includes the children, make sure that your child's school or day care provider has a copy.
- Find a lawyer knowledgeable about family violence to explore custody, visitation and divorce provisions that protect the children and yourself.

## If You Believe You Are Being Stalked

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

- If you are in immediate danger, call 911. If you are on campus, call Campus Safety after calling 911.
- Trust your instincts. Don't downplay the danger.
- Take threats seriously. Danger is usually higher when the stalker talks about suicide or murder.
- It is best to contact the police. Every state, including Florida, has stalking laws, and the stalker may have broken other laws by assaulting and threatening you or damaging your property. Daytona State College will help you in making a police report.
- Get an Injunction for Protection (commonly referred to as a restraining order). Daytona State College officials can advise you on how to obtain an Injunction for Protection
- Develop a safety plan, including things like changing your routine, arranging a place to stay and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school or somewhere else. Tell people how they can help you. Find out more about developing a safety plan at [www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning](http://www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning) and at [www.stalkingawareness.org/](http://www.stalkingawareness.org/)
- Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date and place. Keep emails, text messages, phone messages, letters or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw. Keep an incident log recording for each incident, including a description of the incident, the date, time, location, witness names and contact information, police report number and responding police officers' names and badge numbers.
- Tell family, friends, roommates and co-workers about the stalking and seek their support.
- Document the date, time, location and a detailed description of each incident.
- For evidence, save any communications such as text messages, emails, letters, notes and gifts or other objects sent to you.

## College Investigation

An allegation of sexual misconduct or interpersonal violence reported to have occurred on campus, at a college-owned or operated facility off the main campus, or in conjunction with a college-sponsored activity may be investigated by the following Daytona State College offices and departments:

- Campus Safety
- Student Development
- Judicial Affairs
- Academic Affairs
- Equity & Inclusion / Title IX
- Human Resources
- College Attorney

The College department or persons having responsibility for conducting an investigation, and the type of investigation, (criminal, disciplinary, or administrative), will depend on the circumstances of the case. Multiple investigations may take place. The standard of evidence for a disciplinary investigation conducted by the College is a preponderance of the evidence.

Investigations will be conducted by College officials who are impartial and have been trained in investigating sexual misconduct and interpersonal violence.

### **Title IX Investigation**

A Title IX investigation is an administrative procedure, not a disciplinary process. The purpose of a Title IX investigation is to determine the following:

- whether conduct prohibited by Title IX occurred;
- whether there is an ongoing risk of further prohibited conduct and if so, to act to prevent its recurrence;
- whether accommodations for the affected party are needed to remedy the effects of the prohibited conduct (e.g. initiating a no-contact order);
- whether accommodations or safety precautions should be put in place to make the Daytona State College community safe;
- whether the conduct necessitates review by the Judicial Affairs Department for disciplinary procedure;
- and whether College-wide or departmental changes to policies, practices or training should be implemented.

# Student Disciplinary Procedures

## Student Code of Conduct

All students are expected to abide by and are held accountable for violations of the Daytona State College Student Code of Conduct rules. The Student Code of Conduct rules are a set of common behavioral guidelines for all students attending and participating in the teaching and learning opportunities at Daytona State College. The Student Code of Conduct rules apply to all College-sponsored activities, including College-sponsored student travel and off-site housing and hotels. The Student Code of Conduct rules are subject to and governed by federal and state laws, rules and regulations.

The Student Code of Conduct rules include the prohibition of all forms of sexual misconduct and interpersonal violence.

Students who violate the Student Code of Conduct rules are subject to disciplinary sanctions. Daytona State College reserves the right to determine when its Student Code of Conduct rules have been violated and to administer disciplinary actions.

The Student Code of Conduct rules can be found in the Daytona State College Student Handbook, available at [www.daytonastate.edu/files/student-handbook.pdf](http://www.daytonastate.edu/files/student-handbook.pdf).

Daytona State College Policy 7.01 addresses the Student Code of Conduct.

**Office of Judicial Affairs:** The receipt, review and processing of complaints for violations of the Student Code of Conduct shall be administered by the Daytona State College Office of Judicial Affairs. There will be a determination made by the Office of Judicial Affairs whether sufficient information exists to file charges against a student for violations of the Student Code of Conduct. The Office of Judicial Affairs may convene an Incident Review Committee to assist in the decision.

**Student Discipline Committee:** The Student Discipline Committee is established and responsible for adjudicating allegations of misconduct against students.

**Student Discipline Appeal Committee:** The Student Discipline Appeal Committee is established and responsible for reviewing the appeals of misconduct against students and rendering a decision.



## Student Disciplinary Process

**Informational Meeting:** The Office of Judicial Affairs will conduct a meeting to inform the student of the complaint and the disciplinary process. Information related to the student's rights and responsibilities in the process will be provided to the student.

**Conflict Resolution and Mediation:** The Office of Judicial Affairs may utilize voluntary informal conflict resolution, mediation and mutual agreement to resolve certain complaints of student misconduct to the extent permitted by law. If the complaint is not resolved, the Office of Judicial Affairs will determine whether or not to file formal charges against a student.

**Disciplinary Hearing:** If the Office of Judicial Affairs decides to file formal charges, or if a student chooses, a formal disciplinary hearing will be provided by the Disciplinary Hearing Committee. The Disciplinary Hearing Committee shall conduct the hearing and render a written decision.

**Appeal:** A student may file an appeal from an adverse decision by the Disciplinary Hearing Committee. The Appeal Committee will render a decision based upon their review of the record and documents. The decision of the Appeal Committee is final.

## Disciplinary Actions

Disciplinary action(s) for students found guilty of violating the Student Code of Code of Conduct rules will be determined by the nature of the offense and the student's previous conduct record.

Possible disciplinary actions may include but are not limited to the following:

- warning,
- reprimand
- probation
- restitution
- restriction(s) on the use of or removal from campus facilities
- registration block
- failing grade
- administrative withdrawal
- suspension
- dismissal
- expulsion
- withholding of diplomas or transcripts pending compliance with rules or regulations, completion of any student judicial process or sanction, or payment of restitution

## Rights Associated with the Student Disciplinary Process

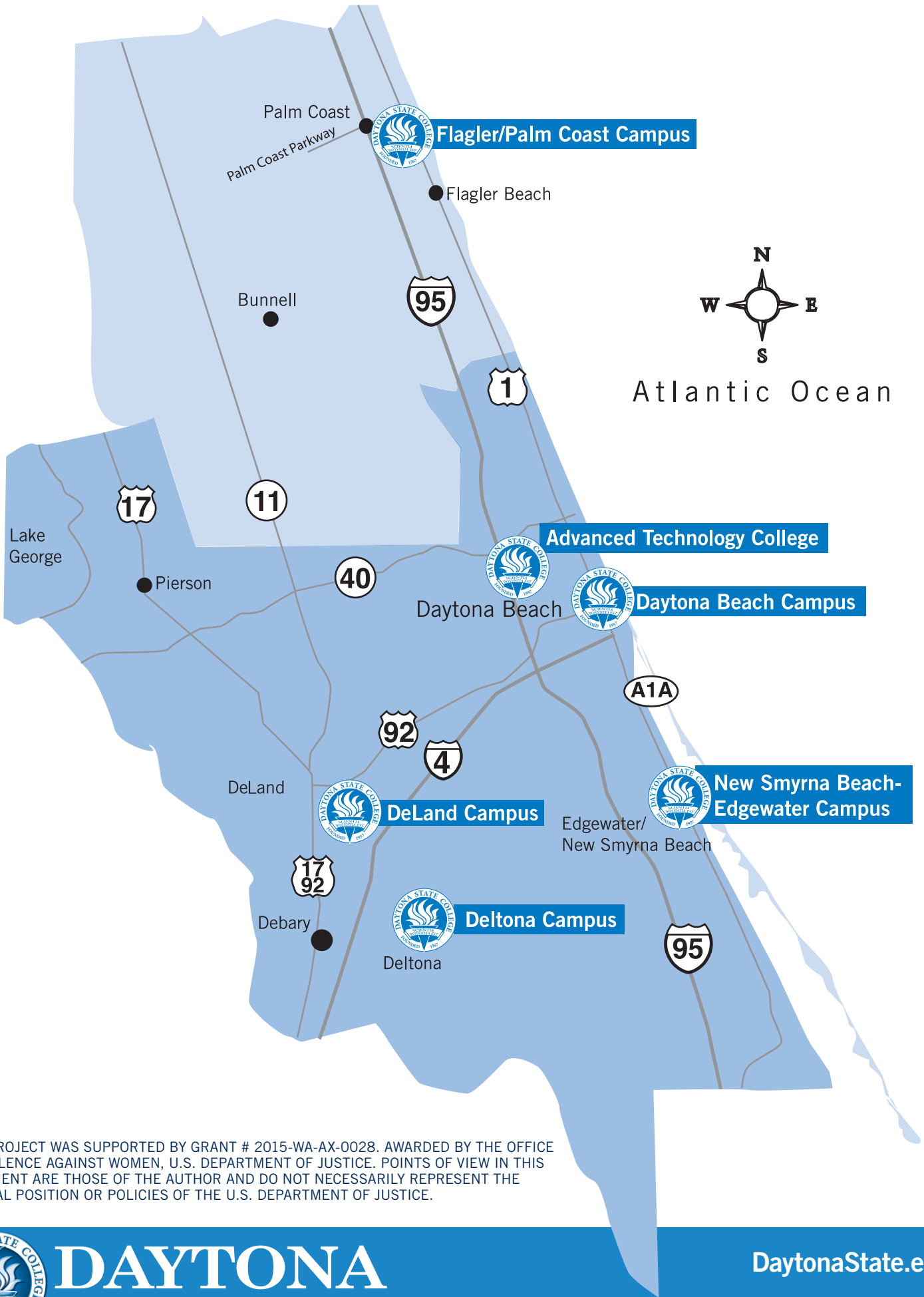
### Both accuser and accused have the following rights regarding the Student Disciplinary Process:

- All disciplinary proceedings will include a prompt, fair and impartial process from the initial investigation to the final result.
- Accuser and accused will have the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- Disciplinary proceedings involving sexual misconduct or interpersonal violence will be conducted by officials who receive at least annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Disciplinary proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- Disciplinary proceedings will be conducted in a manner that is transparent to accuser and accused, including timely notice of meetings at which accuser or accused, or both, may be present
- Daytona State College will simultaneously notify, in writing, both the accuser and the accused of:
  - The result of any institutional disciplinary proceeding that arises from an allegation of sexual misconduct or interpersonal violence
  - The College's procedures for accuser and accused to appeal the result of the institutional disciplinary proceeding

**Students accused of a violation of the Student Code of Conduct have the following rights regarding due process protections:**

- The College must provide a student or student organization with timely written notice of the student's or student organization's alleged violation of the code of conduct with sufficient time to prepare for any disciplinary proceeding. The written notice is considered timely if it is provided at least 7 business days before the disciplinary proceeding and may be provided by delivery to the student's college e-mail address, and if the student is under 18 years of age, to the student's parent or to the student organization's email address. The written notice must include the following:
  - sufficient detail to prepare for any disciplinary proceeding
  - the allegations to be investigated, including citation to the specific provision of the code of conduct at issue
  - the process to be used in determining whether a violation has occurred and associated rights
  - the date, time, and location of any disciplinary proceeding.
- At least 5 business days before the disciplinary proceeding, the College must provide the student or student organization with
  - A listing of all known witnesses that have provided, or will provide, information against the student or student organization.
  - All known information relating to the allegation, including inculpatory and exculpatory information.
- The right to the presumption that no violation occurred. The College has the burden to prove, by a preponderance of the evidence, that a violation has taken place. Preponderance of the evidence means that the information presented supports the finding that it is more likely than not the violation of the Code of Conduct was committed by the student or student organization.
- The right to an impartial hearing officer.
- The right against self-incrimination and the right to remain silent. Such silence may not be used against the student or student organization.
- The right to present relevant information and to question witnesses.
- The right to an advisor or advocate who may not serve in any other role, including as an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or to hear or decide any appeal.
- The right to have an advisor, advocate, or legal representative at the student's or student organization's own expense, present at any proceeding, whether formal or informal. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.
- The right to appeal the final decision of the hearing officer, or any committee or panel, directly to the senior administrator designated by the code of conduct to hear the appeal and render a final decision. The senior administrator designated by the code of conduct to hear the appeal may not have directly participated in any other proceeding related to the charged violation.
- The right to an accurate and complete record of every disciplinary proceeding relating to the charged violation of the code, including record of any appeal, to be made, preserved, and available for copying upon request by the charged student or student organization.

**For more information visit [www.DaytonaState.edu/safety-and-security](http://www.DaytonaState.edu/safety-and-security) or call Campus Safety at (386) 506-4444.**



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